

REMARKS

The Office Action mailed December 18, 2002, has been received and reviewed. Claims 1 through 89 are currently pending in the application. Claims 1 through 89 stand rejected. Reconsideration is respectfully requested.

Specification

The specification has been updated in this amendment with respect to related application information.

35 U.S.C. § 112 Claim Rejections

Claims 16, 30, and 72 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses this rejection, as hereinafter set forth.

It was stated that the specification lacked disclosure and support for the claim element “moving wave of said viscous material traveling across” Applicant respectfully submits that paragraph [0001] of the specification specifically incorporates the content of Application Serial No. 08/906,578, now U.S. Patent 6,336,973 (the “’973 Patent”) pursuant to MPEP §608.01(p). A copy of the ‘973 Patent is provided herewith. The ‘973 Patent states:

It is, of course, understood that the biasing and elevator mechanisms 116 and 117 shown in FIGS. 2 and 3 are not required to bring the adhesive material 114 into contact with the lead fingers 104. Instead, the lead fingers 104 may be brought into close proximity to the adhesive reservoir 110 and additional adhesive material 114 may be delivered by a pump to the adhesive reservoir 110 to raise the level of the adhesive material 114 to contact the lead fingers 104, *or to provide a moving wave or surge of adhesive material traveling across the reservoir 110.*

(‘973 Patent, col. 6, lines 3-12)(emphasis added). As the contents of the ‘973 Patent were incorporated into the present application, applicant submits that the specification provides sufficient description and support for the claim language. Reconsideration and withdrawal of the rejection is requested.

It was further stated that the specification lacked description and support for the claim element “ultrasonic transmitter . . . ultrasonic sound wave” Applicant respectfully submits that paragraph [0001] of the specification specifically incorporates the content of Application Serial No. 08/906,673, now U.S. Patent 6,013,535 (the “‘535 Patent”) pursuant to MPEP §608.01(p). A copy of the ‘535 Patent is provided herewith. The ‘535 Patent states:

Furthermore, a variety of feed back and feed forward control schemes may be used to control the desired exposed surface height 134 of the exposed surface 122. One such control scheme is shown in FIG. 12. Elements common to FIG. 11 and FIG. 12 retain the same numeric designations. A height detection mechanism, shown as a transmitter 140 and a receiver 142, is used to determine the height of the exposed surface 122. A control signal 144 triggers the pump 132 to stop or a valve (not shown) to shut when the desired exposed surface height 134 is achieved. The transmitter 140 and receiver 142 may be a light (preferably a laser) transmitter and receiver. When a light beam (not shown) from the transmitter 140 is altered by the exposed surface 122, the receiver 142 detects the discontinuation of light transmission and generates the control signal 144. *Additionally, the transmitter 140 and receiver 142 may be an ultrasonic transmitter and receiver. When an ultrasonic sound wave (not shown) from the transmitter 140 is altered by the exposed surface 122, the receiver 142 detects the change in transit time or phase shifts of the ultrasonic sound wave and generates the control signal 144.*

(‘535 Patent, col. 7, lines 5-25)(emphasis added). As the contents of the ‘535 Patent were incorporated into the present application, applicant submits that the specification provides sufficient description and support for the claim language. Reconsideration and withdrawal of the rejection is requested.

Double Patenting Rejection Based on U.S. Patent No. 5,933,743

Claims 1 through 89 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,040,205. In order to avoid further expenses and time delay, Applicant elect to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejections. Attached is the terminal disclaimer and accompanying fee.

CONCLUSION

Claims 1 through 89 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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KWP/ps:lb

Enclosure: Versions of Replacement Paragraphs of Specification With Markings to Show Changes Made

**VERSION OF REPLACEMENT PARAGRAPHS OF SPEC WITH MARKINGS TO
SHOW CHANGES MADE**

[0001] This application is a continuation of application Serial No. 09/183,233, filed October 29, 1998, [pending] now U.S. Patent No. 6,336,974, issued January 8, 2002, which is a divisional patent application of Application Serial No. 09/020,197 filed February 6, 1998, now U.S. Patent 6,040,205 which is a continuation-in-part of Application Serial No. 08/906,578 filed on August 5, 1997, now U.S. Patent No. 6,336,973, issued January 8, 2002, hereby incorporated herein by reference, and also a continuation-in-part of Application Serial No. 08/906,673 filed on August 5, 1997, now U.S. Patent 6,013,535 hereby incorporated herein by reference.